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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 PEDRO GONZALES, et al.,

2:12-CV-1474 JCM (CWH)

9 Plaintiff(s),

10 v.

11 LAS VEGAS METROPOLITAN
12 POLICE DEPARTMENT, et al.,

13 Defendant(s).
14

15 **ORDER**

16 Presently before the court is defendant Clark County's motion to dismiss. (Doc. # 12).
17 Plaintiffs have not filed a response in opposition and the deadline date for filing a response has
18 passed.

19 *Pro se* plaintiffs filed the instant lawsuit against the following defendants: Las Vegas
20 Metropolitan Police Department ("LVMPD"); two officers employed by LVMPD; the Social
21 Security Administration ("SSA"); and, Clark County. LVMPD and one its officers answered the
22 complaint. (Doc. # 16).

23 Defendant Clark County filed a motion to dismiss. (Doc. # 12). Plaintiffs filed a motion to
24 extend time to respond to the motion to dismiss. (Doc. # 17). The court granted plaintiffs a thirty-
25 day extension. (Doc. # 18). The thirty-day extension has passed and plaintiffs have not filed a
26 response.
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1 “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted
 2 as true, to ‘state a claim for relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 129 S. Ct. 1937,
 3 1949 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “Where a
 4 complaint pleads facts that are ‘merely consistent’ with a defendant’s liability, it ‘stops short of the
 5 line between possibility and plausibility of entitlement to relief.’” *Id.* (citing *Bell Atlantic*, 550 U.S.
 6 at 557). However, where there are well pled factual allegations, the court should assume their
 7 veracity and determine if they give rise to relief. *Id.* at 1950.

8 Pursuant to Local Rule 7-2(d), an opposing party’s failure to file a timely response to any
 9 motion constitutes the party’s consent to the granting of the motion and is proper grounds for
 10 dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the
 11 district court is required to weigh several factors: “(1) the public's interest in expeditious resolution
 12 of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4)
 13 the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic
 14 sanctions.” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d
 15 1421, 1423 (9th Cir. 1986)).

16 In light of the plaintiff’s failure to respond and weighing the factors identified in *Ghazali*,
 17 the court finds dismissal appropriate.

18 Accordingly,

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Clark County’s
 20 motion to dismiss (doc. # 12) be, and the same hereby, is GRANTED.

21 IT IS FURTHER ORDERED that defendant Clark County is dismissed from the action
 22 without prejudice.

23 DATED July 3, 2013.

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 25 
 26 UNITED STATES DISTRICT JUDGE
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